

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MISSISSIPPI STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE; DR.
ANDREA WESLEY; DR. JOSEPH WESLEY;
ROBERT EVANS; GARY FREDERICKS; PAMELA
HAMNER; BARBARA FINN; OTHO BARNES;
SHIRLINDA ROBERTSON; SANDRA SMITH;
DEBORAH HULITT; RODESTA TUMBLIN; DR.
KIA JONES; ANGELA GRAYSON; MARCELEAN
ARRINGTON; VICTORIA ROBERTSON,

Plaintiffs,

vs.

STATE BOARD OF ELECTION COMMISSIONERS;
TATE REEVES, *in his official capacity as Governor of
Mississippi*; LYNN FITCH, *in her official capacity as
Attorney General of Mississippi*; MICHAEL WATSON,
*in his official capacity as Secretary of State of
Mississippi*.

Defendants.

**CIVIL ACTION NO.
3:22-cv-734-DPJ-HSO-LHS**

PLAINTIFFS' MOTION FOR EXPEDITED TRIAL

Plaintiffs hereby move the Court for a scheduling order that provides for discovery and trial on an expedited basis, such that this Court can rule and provide in relief well before Mississippi's general election in November 2024. As grounds for this motion, Plaintiffs state as follows:

1. This case involves both statutory and constitutional claims against Mississippi's 2022 redistricting plans for the State House and State Senate. In their Complaint filed December

2022, Plaintiffs assert that the plans unlawfully dilute the voting strength of Black Mississippians in violation of Section 2 of the Voting Rights Act (“VRA”), 52 U.S.C. § 10301, and are racially gerrymandered in violation of the Fourteenth Amendment to the U.S. Constitution.

2. Plaintiffs seek to resolve this case in a manner such that, should they prevail at trial and obtain a judgment requiring the redrawing of certain legislative districts, relief may be imposed well in advance of the 2024 election.

3. Plaintiffs proposed a case management order (CMO) with an expedited schedule to allow for the case to proceed to trial by February 2024. Plaintiffs also intend to seek a remedial order that provides for special elections any districts that must be redrawn. Otherwise, the unlawful districts would persist until the 2027 statewide general election.

4. An expedited trial occurring by February 2024 would allow new maps to be drawn and enacted in time for special elections in those redrawn districts to occur in conjunction with the November 2024 general election.

5. After conferring with Defendants pursuant to Rule 26(f), the parties were unable to agree to an expedited schedule in accordance with Plaintiffs proposed case management order. Plaintiffs also oppose the schedule proposed by Defendants.

6. In the telephonic pre-trial conference pursuant to Rule 16(b), the Court ordered both parties to file motions on the propriety of their respective proposed schedules in this matter.

7. Plaintiffs assert that their proposed schedule is reasonable and achievable given the issues of this case and the limited scope of the discovery required. Further, a special election remedy is permissible under U.S. Supreme Court and Fifth Circuit precedent. Expediting the case such that a special election may be had in conjunction with the 2024 general election would prevent irreparable harm to Plaintiffs and similarly situated Mississippians.

The reasons for this motion for an expedited trial schedule are set forth in the accompanying memorandum and attached exhibit. Accordingly, Plaintiffs respectfully request that their motion for expedited treatment be granted.

DATED: May 26, 2023

Respectfully submitted,

/s/ Joshua Tom
Joshua Tom, MSB 105392
jtom@aclu-ms.org
ACLU OF MISSISSIPPI
101 South Congress Street
Jackson, MS 39201
(601) 354-3408

Robert B. McDuff, MSB 2532
rbm@mcdufflaw.com
MISSISSIPPI CENTER FOR JUSTICE
767 North Congress Street
Jackson, MS 39202
(601) 969-0802

Carroll Rhodes, MSB 5314
LAW OFFICES OF CARROLL RHODES
crhodes6@bellsouth.net
PO Box 588
Hazlehurst, MS 39083
(601) 894-1464

John P. Lavelle, Jr.*
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: +1.202.739.3000
Facsimile: +1.202.739.3001
john.lavelle@morganlewis.com

Drew C. Jordan*
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave. NW
Washington, DC 20004-2541
Telephone: +1.713.890.5000

Ari J. Savitzky*
asavitzky@aclu.org
Kelsey Miller*
kmiller1@aclu.org
Ming Cheung*
mcheung@aclu.org
Sophia Lin Lakin**
slakin@aclu.org
ACLU FOUNDATION
125 Broad Street
New York, New York 10004
(212) 549-2500

Patricia Yan*
pyan@aclu.org
ACLU FOUNDATION
915 15th Street NW
Washington, DC 20005
(202) 457-0800

Ezra D. Rosenberg*
erosenberg@lawyerscommittee.org
Jennifer Nwachukwu*
jnwachukwu@lawyerscommittee.org
David Rollins-Boyd*
drollins-boyd@lawyerscommittee.org
Jon Greenbaum
jgreenbaum@lawyerscommittee.org
**LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW**
1500 K Street NW Suite 900
Washington, DC 20005
(202) 662-8600

Facsimile: +1.713.890.5001
drew.jordan@morganlewis.com

James A. Nortey*
MORGAN, LEWIS & BOCKIUS LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002
Telephone: +1.713.890.5000
Facsimile: +1.713.890.5001
james.nortey@morganlewis.com

* *admitted pro hac vice*
** *application for pro hac vice forthcoming*

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Joshua Tom, hereby certify that on May 26, 2023, I filed the forgoing Motion with the Clerk of the Court using the ECF system which sent notification of such filing to all parties on file with the Court.

/s/: Joshua Tom
Joshua Tom, MSB # 105392